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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,890	11/30/2000	Alan Edward Kaplan	Kaplan 2000-0068	3351

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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 01/14/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,890

Applicant(s)

KAPLAN, ALAN EDWARD

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 9/11/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

2. Claims 1, 3, and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, "sending said called number ID signal to a line to which one or more CPE is connected". It is unclear whether this is the called line associated with the called number ID or any other arbitrary line. Is it also the claimed "customer's line?"

Claim 3 recites, "sending an alert signal to said CPE". It is unclear to which CPE an alert signal is being sent since claim 3 depends on claim 1, and claim 1 recites "...one or more CPE ...". Claim 7 has the same defect.

Claim Rejections - 35 USC § 103

3. Claims 1, 3, and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasano et al. (U.S. Patent 5,200,994) in view of Van Gilluwe et al. (U.S. Patent 4,626,627).

Regarding claims 1 and 3, Sasano et al. teach the steps of: querying a database ("searching through the stored data") to determine whether to carry out a step of a developing called number ID signal (col. 4, lines 16-34); based on the step of querying, developing a signal representative of called number ID to form called number ID signal;

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and sending the called number ID signal to a line to which one or more CPE is connected (col. 4, lines 47-59).

Sasano et al. do not specifically teach the called number ID signal coded by means of FSK modulation because Sasano's communication systems comprise ISDN network.

Van Gilluwe et al. teach the digital signals generated by the telephone units are sent over digital link 43 to digital link circuit 40 comprises FSK modulation (FSK transmitter and receiver) (col. 5, lines 18-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the FSK modulation in Sasano system because the FSK modulation is well known in converting from analog to digital signal and the advantage of using the FSK modulation is also well known.

Regarding claim 5, Sasano et al. teach the alert signal comprises one or more ringing signal bursts (col. 11, lines 52-63 and col. 15, lines 19-35).

Regarding claims 6 and 9, Sasano et al. teach the controller sends a signal to the sounder 10 to generate a ringing sound to inform the user of the presence of the incoming call reads on claimed "said commingling places said called number ID signal ahead of a first ringing-signal burst of said one or more ringing signal bursts".

However, Sasano et al. do not teach said commingling places said called number ID signal following of a first ringing-signal burst of said one or more ringing signal bursts. It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to incorporate the above-mentioned features in Sasano's system in order to have a better system.

Regarding claims 7 and 8, Sasano et al. teach the step of sending to the CPE one or more special service messages that indicate whether a connection to the CPE is sought to be established to a called number that is listed in a directory that is accessible to everyone (col. 13, lines 6-29), whether a connection to the CPE is sought to be established to a called number that is unlisted in a directory (col. 13, lines 29-52) time of day"), or type of call that includes fax calls, modem calls or the like such as collect call, international call, and credit card calls (col. 16, lines 1-9).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasano et al. (U.S. Patent 5,200,994) in view of Van Gilluwe et al. (U.S. Patent 4,626,627) and further in view of Cepelinski (U.S. Patent 4,293,737).

Regarding claim 4, Sasano et al. do not suggest the alert signal is commingled with the called number ID signal.

Cepelinski teaches a telephone system automatic ringing code decoder to provide single party ringing on a multi-party telephone lines; and providing types of ringing, initiate the ringing bursts at different time sequences (col. 1, line 63 through col. 2, line 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of providing a telephone system automatic ringing code decoder to provide single party ringing on a multi-party telephone lines; and providing types of ringing, initiate the ringing bursts at different time

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sequences, as taught by Cepelinski, in Sasano's system in order to alert the selected called party with distinctive ringing signal burst.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 3-9 have been considered but are moot in view of the new ground(s) of rejection.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
January 6, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600